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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BASHORE, WILLIAM L	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,348	KO ET AL.	
	Examiner	Art Unit	
	William L. Bashore	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *24* is/are allowed.

6)☒ Claim(s) *1-7,9-15,17-20,22,23,25 and 26* is/are rejected.

7)☒ Claim(s) *16 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE filed 2/23/2006, to the original application filed 12/6/2007, said application claiming priority provisional filing date of **12/7/2000**. IDS filed 4/16, 2002 and 1/27/2003.

2. Claims 1-7, 9-26 pending. Claims 1, 6, 14, 20, 24, 25 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In regard to dependent claim 9, claim 9 recites the limitation "*the data anticipation analysis*". There is insufficient antecedent basis for this limitation in the claim. The examiner's suggestion of amending claim 9 to depend upon independent claim 6 would serve to overcome this rejection. The instant rejections are based upon this possible interpretation.

In regard to dependent claim 10, claim 10 recites the limitation "*the data anticipation analysis*". There is insufficient antecedent basis for this limitation in the claim. The instant rejections are based upon a possible interpretation that a data anticipation analysis is performed.

Allowable Subject Matter

4. **Claim 24** is allowed.

5. **Claims 16, 21** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. **Claim 9** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The allowability of claim 9 is based at least in part on the examiner's suggestion to overcome the instant rejection of said claim 9 set forth above.

Claim Rejections - 35 USC § 103

7. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 1-7, 10-15, 17-20, 22-23, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Templeman (hereinafter Templeman), U.S. Patent No. 5,845,303 issued December 1998, in view of Ferrel et al. (hereinafter Ferrel), U.S. Patent No. 6,199,082 issued March 2001, and further in view of Philyaw et al. (hereinafter Philyaw), U.S. Patent No. 6,829,646 issued December 2004.**

In regard to independent claim 1, Templeman teaches preparation of a document by a first computer for delivery to a second computer over a network (Templeman Abstract column 4 lines 23-29).

Templeman teaches decomposing and associating a document content stream by mapping said content stream into groups of data fitting into certain virtual areas (virtual layout space) of a predetermined document

template (i.e. said template containing specific layout areas intended for said content delivery, therefore the document stream is sectionalized into groups (nodes) to fit the layout areas) (Templeman Abstract, column 3 lines 10-40, column 5 lines 52-58, column 8 lines 27-32, Figure 3A, 4).

Templeman does not specifically disclose "*nodes*". However, since Templeman teaches specific layout areas (i.e. Templeman Figure 4), and the content data stream is grouped accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret said groupings as nodes, in order to provide the benefit of sectioned differentiation between groups of the content data stream.

Templeman does not specifically teach resolution levels associated with regions, and delivering the regions (nodes) in the coarsest resolution, then finer resolutions, with resolution levels contributing to the delivery schedule. However, Philyaw teaches changing varying aspects of a banner ad for downloading according to video resolution data supplied to the server by the user (Philyaw Abstract). It is noted that Philyaw changes resolution portions of a Web page (changing size of refresh ticker banners, and/or adding more banners), pursuant to browser transmitted data detailing user selected changes in resolution (which a user can select at anytime), resulting in download of a new Web page (i.e. a new batch of nodes with new resolutions, etc.) (Philyaw Figures 4, 5). A plurality of resolution levels (banner resizing, etc.) is accomplished as well (Philyaw column 4 lines 23-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Philyaw to Templeman/Ferrel, providing Templeman/Ferrel the benefit of customizing display areas to adjust for coarse/fine resolutions of different user displays (the content can be adjusted according to a schedule if a user moves between a desktop display to a PDA display, etc., or manually resizing resolution of an initial page comprising (periodic polling) ticker banners, which are well established in the art), therefore providing easier reading over different displays.

Templeman does not specifically teach scheduling delivery of said data (nodes). However, Ferrel teaches delivering separate design and content of a publishing system whereby scheduled delivery is discussed (Ferrel column 11 lines 30-44). It would have been obvious to one of ordinary skill in the art at the time of the

invention to apply Ferrel to Templeman/Philyaw, providing a user of Templeman a convenient and automatic way of obtaining regular resolution updates to newsletters, etc.

In regard to dependent claims 2, 3, claims 2-3 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

As explained above, the combination of references teaches scheduled delivery of Web pages. The initial download of a Web page can be interpreted as an initial batch of banner regions (i.e. nodes), and any update (i.e. user refresh, or automatic periodic stock ticker polling, after changing resolution), results in new (supplement) batches of nodes with different resolutions accordingly (it is well established that the skilled artisan can change resolutions from fine to coarse, or coarse to fine, accordingly).

In regard to dependent claim 4, Templeman teaches receiving document content in the form of a content stream of data and tags, etc., the complete content stream can be interpreted as a "batch" stream containing relevant groups of data (i.e. nodes, etc.) (Templeman column 3 lines 26-30).

In regard to dependent claim 5, Templeman does not specifically teach resolution levels associated with regions, and delivering the regions (nodes) in the coarsest resolution, then finer resolutions. However, Philyaw teaches changing varying aspects of a banner ad for downloading according to video resolution data supplied to the server by the user (Philyaw Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Philyaw to Templeman/Ferrel, providing Templeman/Ferrel the benefit of customizing display areas to adjust for coarse/fine resolutions of different user displays (the content can be adjusted (resent) according to schedule if a user moves between a desktop display to a PDA display, etc.), therefore providing easier reading over different displays.

In regard to independent claim 6, Templeman teaches preparation of a document by a first computer for delivery to a second computer over a network (Templeman Abstract column 4 lines 23-29).

Templeman teaches decomposing and associating a document content stream by mapping said content stream into groups of data fitting into certain virtual areas (virtual layout space) of a predetermined document template (i.e. said template containing specific layout areas intended for said content delivery, therefore the document stream is sectionalized into groups (nodes) to fit the layout areas) (Templeman Abstract, column 3 lines 10-40, column 5 lines 52-58, column 8 lines 27-32, Figure 3A, 4).

Templeman does not specifically disclose "*nodes*". However, since Templeman teaches specific layout areas (i.e. Templeman Figure 4), and the content data stream is grouped accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret said groupings as nodes, in order to provide the benefit of sectioned differentiation between groups of the content data stream.

Templeman does not specifically teach scheduling delivery of said data (nodes). However, Ferrel teaches delivering separate design and content of a publishing system whereby scheduled delivery is discussed (Ferrel column 11 lines 30-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Ferrel to Templeman, providing a user of Templeman a convenient and automatic way of obtaining regular updates to newsletters, etc.

Templeman teaches receiving input data (Templeman column 3 lines 14-16). Templeman teaches a computer (typically comprising a memory) containing content data formulated to be used in a specific layout template (document model) (Templeman column 11 lines 60-63). It does this by attaching tags in the content stream describing specific layout positions, etc. (Templeman column 3 lines 25-36).

Templeman does not specifically teach resolution levels associated with regions, and delivering the regions (nodes) in the coarsest resolution, then finer resolutions. However, Philyaw teaches changing varying aspects of a banner ad for downloading according to video resolution data supplied to the server by the user (i.e. screen size, etc., the server anticipating resolution information, accordingly) (Philyaw Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Philyaw to

Templeman/Ferrel, providing Templeman/Ferrel the benefit of customizing display areas to adjust for coarse/fine resolutions of different user displays (the content can be adjusted (resent) according to schedule if a user moves between a desktop display to a PDA display, etc.), therefore providing easier reading over different displays.

In regard to dependent claim 10, Templeman does not specifically teach analysis based upon manipulation by a user. However, Philyaw teaches changing varying aspects of a banner ad for downloading according to video resolution data supplied to the server by the user (Philyaw Abstract). It is noted that Philyaw changes resolution portions of a Web page (changing size of refresh ticker banners, and/or adding more banners), pursuant to browser transmitted data detailing user selected changes in resolution (which a user can select at anytime), resulting in download of a new Web page (i.e. a new batch of nodes with new resolutions, etc.) (Philyaw Figures 4, 5). A plurality of resolution levels (banner resizing, etc.) is accomplished as well (Philyaw column 4 lines 23-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Philyaw to Templeman/Ferrel, providing Templeman/Ferrel the benefit of customizing display areas to adjust for coarse/fine resolutions of different user displays (the content can be adjusted accordingly if a user moves between a desktop display to a PDA display, etc., or manually resizing resolution of an initial page comprising (periodic polling) ticker banners, which are well established in the art), therefore providing easier reading over different displays.

In regard to dependent claims 11-13, claims 11-13 incorporate substantially similar subject matter as claimed in claim 6, and in further view of the following, is rejected along the same rationale.

Templeman teaches a spatial lookup table (Templeman column 6 lines 13-44).

In regard to independent claim 14, claim 14 incorporates substantially similar subject matter as claimed in claim 6, and is rejected along the same rationale.

In regard to dependent claims 15, 17-19, claims 15, 17-19 incorporate substantially similar subject matter as claimed in claims 7, 6, 12, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 20, claim 20 incorporates substantially similar subject matter as claimed in claim 6, and is rejected along the same rationale.

In regard to dependent claims 22-23, 25-26, claims 22-23, 25-26 incorporate substantially similar subject matter as claimed in claim 6, and are rejected along the same rationale.

Response to Arguments

9. Applicant's arguments filed 2/23/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues that the cited art of record does not teach the claimed limitations, especially in regard to resolution changes, node batches, etc. The examiner respectfully disagrees. The combination of Templeman and Ferrel teach zone regions of a document, said document downloaded according to a schedule. Philyaw teaches a Web page (document) comprising regions (nodes) which can be text, images, and in the case of Philyaw, banner ads. These banner ads are adjusted accordingly, pursuant to transmitted resolution data. If a user changes browser or screen resolution, Philwaw teaches eventual downloading of new batches of nodes with new combinations of banner resolutions accordingly. It is noted that this process can go as many times as a user changes resolution in the well established sequences of fine to coarse, or coarse to fine resolution (in this case, Philyaw downloads new pages according to the schedule of Ferrel). Alternatively, since periodic polling is well established with forms of banners (i.e. stock banners, live cameras, etc.), Philyaw can update according to this schedule as well, as well as accommodating many disparate resolution devices at once.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER

May 14, 2006